

Marian F. Harrison
Marian F. Harrison
US Bankruptcy Judge



Dated: 7/22/2019

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**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

DEBTOR **NICOLE LEE REEVES**
SSN XXX-XX- 8698

Case No. **19-01811-MH3-13**

ORDER CONFIRMING CHAPTER 13 PLAN AND GRANTING RELATED MOTIONS

CONFIRMED WITH CHANGES

The Court finds that all information required under § 521(a)(1)(B) has been submitted and that the case is not dismissed under § 521(i). The Court further finds that it is in the best interests of creditors and the estate to confirm this case.

The debtor's plan has been transmitted to scheduled creditors and it has been determined after notice and an opportunity for hearing that the plan meets the confirmation requirements of 11 U.S.C. § 1325 and all timely objections to confirmation have been withdrawn, resolved, or overruled. It is, therefore, ORDERED:

1. The plan is confirmed as set out below.
2. A timely proof of claim must be filed before the creditor will be paid under the plan.
3. The debtor shall not incur any debts without approval from the trustee or this Court, except debts necessary for emergency medical or hospital care.
4. The debtor shall not reduce the amounts withheld for taxes on a W-4 submitted to an employer without approval of the trustee or the Court.
5. The trustee shall deduct permitted compensation and expenses in accordance with 28 U.S.C. §586(e).
6. Before making any disbursements to creditors under the plan, the trustee shall disburse to the Court Clerk the sum of **\$310.00** for filing fees.

To the Court Clerk the sum of **\$25.00** for conversion fees.

7. The debtor shall be responsible for the preservation and protection-including insurance-of all property of the estate .
8. The trustee and the debtor retain the right to object to any claims or supplements to claims and to pursue any causes of action for the benefit of the debtor or the estate-including avoidance and recovery actions and actions that would upset the liens of creditors treated as secured under the confirmed plan.

PART 1: NOTICES

The confirmed plan **DOES** include nonstandard provisions, set out in Part 9 below.

This order is final and binding under 11 U.S.C. § 1327 upon entry of the order. This order may include provisions different than what was contained in the original plan. Parties are encouraged to carefully review the terms of this order and the previously noticed plan. Any request to reconsider the terms of this order should be raised within 14 days.

An exhibit attached to this order lists the claims treated under this confirmed plan as of the submission of this order to the Court. This list is subject to modification based on the subsequent allowance or disallowance of claims.

PART 2: PLAN PAYMENTS AND LENGTH OF PLAN

Debtor will make payments to the trustee as follows:

\$451.00 WEEKLY from ADECCO

[Plus Balance on Hand from Prior Case]

[PLUS NET PI PROCEEDS]

The plan is expected to last approximately **60** months. The plan will not be complete unless the payments to creditors specified in this order have been made.

Plan “base” and income tax refunds:

Debtors shall pay to the trustee a minimum amount, called a “base,” of N/A.

Any funds remaining from the base after making the other disbursements required by this order shall be used to increase the distribution to allowed nonpriority unsecured claims addressed in § 5.1.

PART 3: TREATMENT OF SECURED CLAIMS

3.1 Maintenance of payments and cure of default under 11 U.S.C. § 1322(b)(5).

Installment payments on the secured claims listed below will be maintained, and any arrearage through the month of confirmation will be paid in full as stated below. Both the installment payments and the amounts to cure the arrearage will be disbursed by the trustee.

Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the current installment payment and arrearage. After confirmation of the plan, the trustee shall adjust the installment payments below in accordance with any such proof of claim and any Notice of Mortgage Payment Change filed under Rule 3002.1. The trustee shall adjust the plan payment in Part 2 in accordance with any adjustment to an installment payment and shall file a notice of the adjustment and deliver a copy to the debtor, the debtor’s attorney, the creditor, and the U.S. Trustee, but if an adjustment is less than \$25 per month, the trustee shall have the discretion to adjust only the installment payment without adjusting the payments under Part 2. The trustee is further authorized to pay any postpetition fee, expense, or charge, notice of which is filed under Bankruptcy Rule 3002.1 and as to which no objection is raised, at the same disbursement level as the arrearage.

Confirmation of this Plan imposes on any claimholder listed below the obligation to:

- Apply arrearage payments received from the trustee only to such arrearages.
- Treat the obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties, or other charges.

If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.

Creditor/Collateral	<u>Current monthly payment</u> (including escrow)	<u>Amount of arrearage</u>	<u>Last month in prepetition arrearage</u>	<u>Monthly payment on arrearage, if any</u>
M AND T BANK	\$920.35			

4800 CASCADE DRIVE OLD HICKORY, TN 37138	Prepetition: \$7,447.13	3/19	pro rata
4800 CASCADE DRIVE	Gap payments: \$3,681.40		pro rata
	Months in gap: APR 2019-JUL 2019		

As of the submission of this order to the Court, the trustee's records reflect the following filed notice(s) of post-petition fees, expenses, and charges:

<u>Creditor/Collateral</u>	<u>Amount of asserted fee(s), expense(s), charge(s)</u>	<u>Monthly payment on arrearage, if any</u>
M AND T BANK POC	\$650.00	pro rata

3.2 Valuation of security and claim modification.

----- **NONE** -----

3.3 Secured claims excluded from 11 U.S.C. § 506.

----- **NONE** -----

3.4 Lien avoidance.

The judicial liens or nonpossessory, nonpurchase money security interests listed below impair exemptions to which the debtor(s) would be entitled under 11 U.S.C. § 522(b). The judicial liens or security interests listed below are avoided to the extent they impair exemptions. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim under § 5.1. For each of the following claims, the lien is avoided except to the extent of any secured claim specified in § 3.2:

<u>Creditor</u>	<u>Collateral/Lien description</u>
WORLD FINANCE CO	XBOX 360

3.5 Surrender of collateral.

The debtor surrenders to each creditor below the listed collateral. The stay under 11 U.S.C. § 362(a) is terminated as to the collateral only and the stay under § 1301 is terminated in all respects. Any allowed unsecured claim resulting from disposition of surrendered collateral will be treated as an unsecured claim under § 5.1. Unless specified in Part 9 or a separate notice of abandonment, the trustee has not abandoned the estate's interest in the collateral.

<u>Name of creditor</u>	<u>Collateral</u>
INSOLVE AUTO FUNDING	2014 CHEVROLET SONIC

PART 4: TREATMENT OF PRIORITY CLAIMS (INCLUDING ATTORNEY'S FEES AND DOMESTIC SUPPORT OBLIGATIONS)

4.1 Attorney's fees.

The balance of fees currently owed to **FLEXER LAW PLLC** is **\$4,250.00**. The total fee awarded to the attorney is **\$4,250.00** pursuant to Administrative Order 18-1.

Except for any fees retained as a "Success Incentive", the balance of fees awarded by this order and any additional fees that may be awarded shall be paid through the trustee as follows: **Available funds**.

4.2 Domestic support obligations.

(a) Pre- and postpetition domestic support obligations to be paid in full.

-----NONE-----

(b) Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.

-----NONE-----

4.3 Other priority claims.

The priority claims listed below will be paid in full through the trustee. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below.

<u>Name of Creditor</u>	<u>Estimated amount of claim to be paid</u>
UNITED STATES TREASURY	\$2,209.68
2016-2018 TAXES	

PART 5: TREATMENT OF NONPRIORITY UNSECURED CLAIMS AND POSTPETITION CLAIMS

5.1 Nonpriority unsecured claims not separately classified.

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. A minimum sum of **-0-** and a minimum dividend of **100.000%** shall be paid to these claims. Any funds remaining after disbursements have been made to all other creditors provided for in this plan shall also be distributed to these claims.

5.2 Interest on allowed nonpriority unsecured claims not separately classified.

N/A

5.3 Maintenance of payments and cure of default on nonpriority unsecured claims.

The debtor will maintain installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed by the trustee. The allowed claim for the arrearage amount will be paid in full through the trustee. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the current installment payment and arrearage.

<u>Name of Creditor</u>	<u>Current Monthly Payment</u>
ECMC STUDENT LOAN	\$150.00

5.4 Separately classified nonpriority unsecured claims.

----- **NONE** -----

5.5 Postpetition claims allowed under 11 U.S.C. § 1305.

Claims allowed under 11 U.S.C. § 1305 will be paid in full through the trustee.

----- **NONE** -----

PART 6: EXECUTORY CONTRACTS AND UNEXPIRED LEASES**6.1 The executory contracts and unexpired leases listed below are assumed and treated as specified. All other executory contracts and unexpired leases are rejected.**

----- **NONE** -----

PART 7: ORDER OF DISTRIBUTION OF AVAILABLE FUNDS BY TRUSTEE**7.1 The trustee will make monthly disbursements of available funds in the order indicated by the “disbursement levels” in the attached Exhibit.**

If available funds in any month are not sufficient to disburse all fixed monthly payments due under the plan for any disbursement level, the trustee shall allocate available funds to the claims in that disbursement level pro rata. If available funds in any month are not sufficient to disburse any current installment payment due under § 3.1, the trustee shall withhold the partial payment amount and treat the amount as available funds in the following month.

PART 8: VESTING OF PROPERTY OF THE ESTATE**8.1 Property of the estate will vest in the debtor upon discharge or closing of the case, whichever occurs earlier, unless an alternative vesting date is specified below:****PART 9: NONSTANDARD PLAN PROVISIONS**

Case may be dismissed, without further hearing, upon filing of notice of non-compliance and order dismissing by the trustee.

DEBTOR TO BE CURRENT BY 8/31/19 OR CASE DISMISSED WITHOUT FURTHER HEARING UPON FILING OF NOTICE BY TRUSTEE OF PLAN DEFAULT.

Approved:

/s/FLEXER LAW PLLC
FLEXER LAW PLLC
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NASHVILLE, TN 37203-7203
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MARIAN F HARRISON
Bankruptcy Judge

Original 341 Date: **May 7, 2019 8:30 am**

Case no: **19-01811-MH3-13**

Printed: **07/22/2019 10:51 am**

EXHIBIT

SCHEDULED AND ALLOWED CLAIMS AND ORDER OF DISTRIBUTION

The list below identifies the claims treated under this confirmed plan as of the submission of this order to the Court. This list is subject to modification based on the subsequent allowance or disallowance of claims.

The "disbursement level" indicates the order of distribution on a monthly basis. See Part 7 of the attached Order.

* An asterisk next to a claim indicates that a proof of claim has been filed for the listed creditor. No disbursements will be made on any claim pursuant to the plan unless a timely proof of claim is filed.

! An exclamation mark next to a claim indicates the trustee has placed a "reserve" on the claim and will withhold disbursements pending a further determination. For information about a "reserve" contact the trustee's office.

<u>Name of Creditor</u>	<u>Type of Claim</u>	<u>Order of Distribution</u>
US BANKRUPTCY COURT	FILING FEE	1
US BANKRUPTCY COURT	NOTICE FEE	2
US BANKRUPTCY COURT	NOTICE FEE	2
* M AND T BANK 4800 CASCADE DRIVE	MTG-ON GOING MTG PYMT	3
* ECMC STUDENT LOAN	UNSECURED - CONTINUING	4
FLEXER LAW PLLC	ATTORNEY FEE	5
* M AND T BANK ARREARS 4800 CASCADE DRIVE	MTG-PRE-PETITION ARREARS	6
* M AND T BANK APRIL 2019-JULY 2019	MTG-GAP PYMTS (POST PET/PRE CONF)	6
* M AND T BANK POC	MTG-FEES, COSTS & EXPENSES	6
* UNITED STATES TREASURY 2016-2018 TAXES	PRIORITY CREDITOR	7
! FLEXER LAW PLLC	ATTY SUCCESS INCENTIVE/PRIOR ATTY	8
ADVANCE AMERICA	UNSECURED CREDITOR	9
ADVANCE FINANCIAL	UNSECURED CREDITOR	9
ANESTHESIA SERVICES OF WILSON	UNSECURED CREDITOR	9
BANK OF AMERICA NA	UNSECURED CREDITOR	9
CAPITAL ONE AUTO FINANCE	UNSECURED CREDITOR	9
* CASH EXPRESS LLC	UNSECURED CREDITOR	9
CENTENNIAL HEART AT SUMMIT	UNSECURED CREDITOR	9
COMCAST	UNSECURED CREDITOR	9

COMCAST NASHVILLE	UNSECURED CREDITOR	9
CUMBERLAND EMERGENCY PHYSICIAN	UNSECURED CREDITOR	9
CUMBERLAND EMERGENCY PHYSICIAN	UNSECURED CREDITOR	9
DR JEFFREY A MATTHEWS	UNSECURED CREDITOR	9
HUDGINS DISPOSAL	UNSECURED CREDITOR	9
MIDLAND CREDIT MANAGEMENT	UNSECURED CREDITOR	9
NANCY BARRETT MD	UNSECURED CREDITOR	9
NASHVILLE ADJUSTMENT BUREAU	UNSECURED CREDITOR	9
PARAGON REVENUE GROUP	UNSECURED CREDITOR	9
QUANTUM3 GROUP LLC	UNSECURED CREDITOR	9
RADIOLOGY ALLIANCE PC	UNSECURED CREDITOR	9
* RESURGENT CAPITAL SERVICES	UNSECURED CREDITOR	9
SUMMIT MEDICAL CENTER		
* RESURGENT CAPITAL SERVICES	UNSECURED CREDITOR	9
TWO RIVERS EMERGENCY PHYSICIANS		
ASHLEY FUNDING SERVICES		
SPRING HILL FUNERAL HOME	UNSECURED CREDITOR	9
* SUMMIT MEDICAL CENTER	UNSECURED CREDITOR	9
* SUMMIT MEDICAL CENTER	UNSECURED CREDITOR	9
TENNESSEE QUICK CASH	UNSECURED CREDITOR	9
TENNOVA HEALTHCARE LEBANON	UNSECURED CREDITOR	9
* UNITED STATES TREASURY	UNSECURED CREDITOR	9
TAXES		
UNIVERSITY ANESTHESIA ASSOCIAT	UNSECURED CREDITOR	9
VERIZON	UNSECURED CREDITOR	9
VERIZON WIRELESS	UNSECURED CREDITOR	9
* WORLD FINANCE CO	UNSECURED CREDITOR	9
WORLD FINANCE CO	UNSECURED CREDITOR	9
VOID LIEN XBOX 360		
1305 CLAIM	UNSECURED - 1305	10